

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE UBALDO ROMAN MARIA, NELSON
JAVIER VASQUEZ RODRIGUEZ,
PRUDENTE RAMIREZ CORNELIO, and
DAVID BENTZLER

, *individually and on behalf of others similarly situated*,

Plaintiffs,

Case No. 18-cv-09826-VSB

AFFIRMATION OF MICHAEL
FAILLACE IN SUPPORT OF REQUEST
FOR ENTRY OF DEFAULT

-v-

ROUGE TOMATE CHELSEA LLC (D/B/A
ROUGE TOMATE), ROUGE TOMATE
CORP. (D/B/A ROUGE TOMATE),
ROUGE TOMATE NEW YORK LLC
(D/B/A ROUGE TOMATE), EMMANUEL
VERSTRAUTEN, CHRISTIAN MOLINA,
HARTLEY PARISH, and GRIGORII
GULIAEV

Defendants

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MICHAEL A. FAILLACE hereby declares as follows:

1. I represent the Plaintiffs in this action.

2. The action was commenced pursuant to Fair Labor Standards Act of 1938, 29 U.S.C.

§ 201 et seq. (“FLSA”), and for violations of the N.Y. Labor Law §§ 190 et seq. and 650 et seq. (the
“NYLL”), including applicable liquidated damages, interest, attorneys’ fees and costs.

3. The time for defendants Rouge Tomate Chelsea LLC (d/b/a Rouge Tomate), Rouge
Tomate Corp. (d/b/a Rouge Tomate), Rouge Tomate New York LLC (d/b/a Rouge Tomate),
Emmanuel Verstrauten, Christian Molina, Hartley Parish, and Grigorii Guliaev to answer or
otherwise move with respect to the complaint herein has expired.

4. Defendants Rouge Tomate Chelsea LLC (d/b/a Rouge Tomate), Rouge Tomate
Corp. (d/b/a Rouge Tomate), Rouge Tomate New York LLC (d/b/a Rouge Tomate), Emmanuel
Verstrauten, Christian Molina, Hartley Parish, and Grigorii Guliaev have not answered or otherwise

moved with respect to the complaint and the time for defendants to answer or otherwise move has not been extended.

5. Defendants Emmanuel Verstrauten, Christian Molina, Hartley Parish, and Grigorii Guliaev are not infants or incompetents.

6. Defendants Emmanuel Verstrauten, Christian Molina, Hartley Parish, and Grigorii Guliaev are not presently in the military service of the United States as appears from facts in this litigation.

7. WHEREFORE, plaintiffs Jose Ubaldo Roman Maria, Nelson Javier Vasquez Rodriguez, Prudente Ramirez Cornelio, and David Bentzler *individually and on behalf of others similarly situated*, request that the default of defendants Rouge Tomate Chelsea LLC (d/b/a Rouge Tomate), Rouge Tomate Corp. (d/b/a Rouge Tomate), Rouge Tomate New York LLC (d/b/a Rouge Tomate), Emmanuel Verstrauten, Christian Molina, Hartley Parish, and Grigorii Guliaev be noted and certificates of default issued.

8. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to plaintiff, and that no part thereof has been paid.

Dated: New York, New York
July 12, 2019

/s/ Michael A. Faillace

Michael Antonio Faillace
Michael Faillace & Associates, P.C.
60 East 42nd Street
Suite 4510
New York, NY 10165
212-317-1200
Fax: 212-317-1620
Email: michael@faillacelaw.com